SINGLE BENCH

P.R. No. 6108/05
Presented by Shri Kunal Das
dated 26/11/05

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IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.No. 5982/ 2005

Petitioner : R.R.Pekra, S/o Boya Ram, Aged about 40 years, R/o Ward No.17, Masjid Mohalla, Forest Colony, Manendragarh, District – Koria (CG)

Versus

Respondents : 1) State of Chhattisgarh – Through the Secretary, Forest Department, DKS Bhawan, Raipur (C.G.)

2) The Special Secretary, Forest Department, State of Chhattisgarh, DKS Bhawan, Raipur (CG)

26/11/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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मामला क्रमांक W.P.No. 5982 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	29.11.2005 Shri P. Diwakar, Senior Advocate with Shri Kasif Shakeel, counsel for the petitioner. Shri Pankaj Shrivastava, Panel lawyer for the respondents/State. Learned counsel for the petitioner submits that the petitioner, who is working as Range Officer at Manendragarh, Forest Division, Manendragarh, Distt.- Korea has been transferred to Range Officer, Kudargarh, South Surguja Forest Division. The petitioner has filed this petition challenging the impugned transfer order dated 17.11.2005 on the ground that the impugned transfer order has been passed during the ban period as per transfer policy dated 25.5.2005 and 7.6.2005. The transfer policy provides for ban in transfers of the employees, except in those cases where the transfer order has been passed in co-ordination with the Chief Minister in administrative exigency. The impugned transfer order dated 17.11.2005 was passed, transferring 49 officers from one place to other place. On perusal of the impugned transfer order, it appears that the order has been passed in	

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

co-ordination with the Chief Minister, as a copy of the transfer order has been endorsed to the Office of the Chief Minister. There is no other ground like malafide exercise of powers, violation of statutory regulations, or incompetence of the officer in passing the impugned transfer order.

Learned counsel for the petitioner further submits that the impugned transfer order can not be given effect to because at Kudargarh, South Surguja Forest Division, one Shri R.K. Pandey is already posted and has been working. There is no transfer order in the case of Shri R.K. Pandey. The contention of learned counsel challenging the impugned transfer order is not sustainable, as it has been passed in accordance with law, in co-ordination with the Chief Minister. So far as latter contention is concerned, it is for the State Government to see that the impugned transfer order passed by the respondents are given effect to immediately.

In view of the foregoing, the petition is dismissed. However, liberty is granted to the petitioner to make a representation to the concerned authorities to consider his case keeping in view, education of the children of the

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	petitioner for retaining at the present place of posting, till April, 2006 to facilitate completion of his children's education, if so advised. No order as to costs. Certified copy, as per Rules. **Sd/-** **Satish K. Agnihotri** **Judge**	

Both

Ken

1.12.05